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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,289	03/09/2005	Sturla Lutnaes	9342-29	2715
54414 7590 06/15/2007 MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627			EXAMINER JOSEPH, DENNIS P	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 06/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,289

Applicant(s)

LUTNAES, STURLA

Examiner

Dennis P. Joseph

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/527,289.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/9/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

1. This Office Action is responsive to application No. 10/527,289 on March 9, 2005. Claims 1-11 are pending and have been examined.

Information Disclosure Statement

2. The information disclosure statement (IDS) was submitted on March 9, 2005 and has been considered by the examiner.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections – 35 USC § 103

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103(a) that forms the basis for the rejections under this section made in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. **Claims 1-11** rejected under 35 U.S.C. 103(a) as being unpatentable over **Langstraat (US 2003/0076302 A1)** in view of **Kraus et al. (US2003/0235452 A1)**

Langstraat teaches in Claim 1:

A movement input device for use on a touch screen of a portable electronic device ([0001]) comprising:

a fastening unit configured to secure the movement input device on the portable electronic device and having a top and bottom side (Figure 5, socket **130** for receiving and holding the stylus **112**, [0018]); and

a user input unit (Figure 5, stylus **112**) fastened to and extending through the fastening unit (Figure 5, [0018]), wherein the user input unit comprises:

a user actuation part (Figure 5, the top part of stylus **112**) protruding from the top side of the fastening unit and being operable for actuation by a user for free angular movement with an angle of rotation around an axis (X) provided at least generally perpendicular to the top and bottom sides of the fastening unit (Figure 4 shows the rotational movement around the axis); and

a touch screen contact part protruding from the bottom side of the fastening unit, that is configured to contact the touch screen in a position where at least an angle of the contact position corresponds to the angle of the user actuation part, so that movement of the user input unit is detected (Figure 5, first end **116** for providing input commands, [0015])

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Langstraat does not explicitly teach that “said fastening unit also being configured for placement over at least a part of the touch screen” or that the movement of the user input unit is detected “on the touch screen.”

However, in the same field of endeavor, touch pad systems, Kraus teaches “The user sends input to the host **102** by touching the display screen with a stylus **108** or with a keyboard overlay **110**.” and “provides a " keyboard overlay" that sits on top of a touch-sensitive display screen of a computing device.” (Kraus, [0010]) The fastening unit can be provided over the overlay and allow contact between the touch screen contact part and the touch screen.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to integrate the overlay as taught by Kraus with Langstraat’s fastening unit **130** in order to provide tactile ability to the screen area under the stylus as well as tactile feedback to help orient movement. (Kraus, [0007])

Langstraat and Kraus teach in Claim 2:

The movement input device (Langstraat, [0001]) according to claim 1, wherein the user actuation part and the touch screen contact part are joined together by a fastening part being fastened in the fastening unit while still allowing free movement round said axis. (Langstraat, Figure 5, the fastening unit **130** joins the stylus in place for allowing angular movement. The combination teaches of attaching the fastening unit to the overlay for the touch screen contact to interact with the touch panel.)

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Langstraat and Kraus teach in Claim 3:

The movement input device (Langstraat, [0001]) according to claim 1, wherein the touch screen contact part comprises a pin configured to directly contact on the screen so that a radial movement of the touch screen contact part from the axis X corresponds to a radial movement of the user actuation part. (Langstraat, [0015], “stylus **112** may include a rounded or blunt tip.” The combination teaches of attaching the fastening unit to the overlay for the touch screen contact, and the pin specifically, to interact with the touch panel.)

Langstraat and Kraus teach in Claim 4:

The movement input device (Langstraat, [0001]) according to claim 3, wherein the touch screen contact part further comprises a spring configured to force the pin in contact with the touch screen. ([0015], “capable of being selectively **extended and retracted** much like the writing tip of a conventional ball point pen.”)

Langstraat and Kraus teach in Claim 5:

The movement input device (Langstraat, [0001]) according to claim 1, wherein the touch screen contact part comprises a disc having a rim, which contacts the screen at a fixed distance from the axis of the screen upon actuation of the user actuation part. ([0015], “first end **116** may have any of several tapers or shapes (e.g., conical, ogival, **paraboloidal**, or the like. This is a disc with a rim.)

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Langstraat and Kraus teach in Claim 6:

The movement input device according to claim 5, wherein the disc has parabolic shape.

([0015], paraboloidal.)

Langstraat teaches in Claim 7:

A portable electronic device comprising:

a body comprising a touch screen configured to detect inputs from a user on said screen;
and a movement input device for use on said touch screen ([0001]) comprising:

a fastening unit configured to secure the movement input device on the body and having
a top and bottom side (Figure 5, socket 130 for receiving and holding the stylus 112, [0018]);
and

a user input unit (Figure 5, stylus 112) fastened to and extending through the fastening
unit (Figure 5, [0018]), wherein the user input unit comprises:

a user actuation part (Figure 5, the top part of stylus 112) protruding from the top side of
the fastening unit and being operable for actuation by a user for free angular movement with an
angle of rotation around an axis (X) provided at least generally perpendicular to the top and
bottom sides of the fastening unit, and

a touch screen contact part protruding from the bottom side of the fastening unit, that is
configured to contact the touch screen in a position where at least an angle of the contact position
corresponds to the angle of the user actuation part, so that movement of the user input unit is
detected (Figure 4 shows the rotational movement around the axis)

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Langstraat does not explicitly teach that the “fastening unit also being configured for placement over at least a part of the touch screen” or that the movement of the user input unit is detected “on the touch screen.”

However, in the same field of endeavor, touch pad systems, Kraus teaches “The user sends input to the host **102** by touching the display screen with a stylus **108** or with a keyboard overlay **110**.” and “provides a " keyboard overlay" that sits on top of a touch-sensitive display screen of a computing device.” (Kraus, [0010]) The fastening unit can be provided over the overlay and allow contact between the touch screen contact part and the touch screen.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to integrate the overlay as taught by Kraus with Langstraat’s fastening unit **130** in order to provide tactile ability to the screen area under the stylus as well as tactile feedback to help orient movement. (Kraus, [0007])

Langstraat and Kraus teach in Claim 8:

The portable electronic device according to claim 7, further comprising an input determination unit for determining positions of input from a user. (Langstraat, Figure 5, detector **136**, [0023])

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Langstraat and Kraus teach in Claim 9:

The portable electronic device according to claim 7, wherein the fastening unit is rotatably connected to the body. (Langstraat, Figure 1 shows **130** to be rotatably connected to the device.)

Langstraat and Kraus teach in Claim 10:

The portable electronic device according to claim 9, wherein the body further comprises a fastening unit sensing device configured to sense if the fastening unit is in position for providing inputs from the movement input device on the touch screen. (Langstraat, Figure 5, detector **136** has a force sensing apparatus for sensing movement as well as being able to determine movement, ([0023]. The combination teaches of attaching the fastening unit to the overlay for being able to contact the touch screen. By doing this, it can detect whether the fastening unit is in position to provide inputs.)

Langstraat and Kraus teach in Claim 11:

The portable electronic device according to claim 7, wherein the device is a mobile phone. (Langstraat, Figure 1)

Conclusions

6. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure. Oueslati et al. (US 2002/0105503 A1) is cited to show of an electronic device having a joystick capability.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis P. Joseph whose telephone number is 571-270-1459. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJ

AMR A. AWAD
SUPERVISORY PATENT EXAMINER
